

AN
ESSAY
For Regulating and making more Useful
THE
MILITIA
OF THIS
KINGDOM.

On the Foot they now stand.

WITH

An Abstract of the *Statutes* now in Use, relating to
them: And a Scheme for the Distributing *Musters*
And Exercise.

*By an Officer formerly of the Army, now a Deputy-
Lieutenant and Field Officer of the Militia.*

L O N D O N,

Printed for B. Barker, and C. King, both in *Westminster-Hall*;
And Sold by R. Burleigh in *Amen-Corner*. 1715.

[Price Three Pence.]

AN
E S S A Y
For Regulating and making more Useful
THE
M I L I T I A
OF THIS
K I N G D O M.

Of the Force they now stand

WITH

An Abstract of the Statutes now in Use relating to
them: And a Scheme for the Distributing Munitions
And Exercise.

By an Officer formerly of the Army, now a Deputy-
Lieutenant and Field Officer of the Militia.

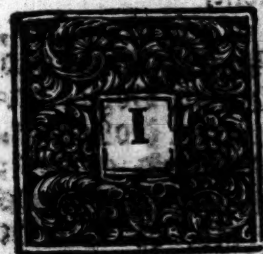
L O N D O N

Printed for B. Barker, and C. Knap, near the Westgate-Hall:
And sold by R. Baskin, in Queen-Street. 1745.

Price Three Pence.



An ESSAY for Regulating and making more Useful the MILITIA, &c.



TAKE it for a thing granted by uninterested Persons, that a Well-regulated *Militia*, to us Islanders, would be far more Useful as well as less chargeable than a Standing Army: That they are capable of performing great Services, our last intestine Wars, and the late Performances in *Ireland*, as in the Field by the *Iniskilling-men*, in Garrison at *London-derry*, and in Attacks at *Sligo*, are undeniable Arguments. But it's confessed to be as true, that their want of Discipline and Experience, makes them at present the Jest of the Soldiery in *England*: The latter is only to be gained in an actual War. That the former defect is not incurable, and that even upon the bottom the *Militia* now stand, with some small Alterations and Additions, only to enforce the Execution of the Laws already made, is what I propose. I cannot but observe, that compounding with the Muster-master for an Annual Salary, as in some Places practised, instead of drawing out (tho' it may make shew of easing the Country) is the main Occasion of this Uselessness, and does indeed draw on a far greater Inconvenience and Charge; *viz.* the Necessity of Maintaining a Standing Force. There are two Statutes, the *Basis* on which the *Militia* are supported; and 'tis an Ignorance in these, or Remissness in putting them in Execution, that cause *them* to be ineffectual.

1. The Stat. 13. and 14. Car. 2. cap. 3. Impowers the King to make Lieutenants for the several Counties, &c. and the Lieutenants to grant Commissions to Colonels, Majors, Captains, and other Commission-Officers, and to form Companies, Troops and Regiments.

So that, where Occasion requires, One or more Colonels may be also made, Brigadiers, Adjutant-Generals, Majors of Brigade, &c. according as the Number of the *Militia* within the respective County may require.

2. The Lieutenants are likewise to present to His Majesty the Names of Persons fit to be Deputy-Lieutenants: And upon His Majesty's Approbation, to give them Deputy-commissions accordingly. Two whereof,

in Absence or otherwise, by Direction of the Lieutenants, have Power to Arm, Lead, Conduat, &c. And are to Obeey the Orders of the Lieutenant.

All that have been conversant in Armies know, that small Troops and Companies are easier Disciplin'd than large ones; because the Number of Officers very much contributes to the Management thereof. The *Militia* Companies are many times 200 Duty Men; whereas in most of the Standing Forces 50 is the full Complement: For which Reason if by encreasing the Number of the Companies in the *Militia*, the Number of Men in a Company were reduc'd to 50 or 60 at most, and those, as near as might be, to an Equality of Number throughout their Regiments, it would engage more Officers, and render them more Useful to Act by Detachments, when Occasion should present.

3. The Lieutenants and Deputies, or major part of them present, whereof Three at least, shall charge Persons to find Horse, Men and Arms, &c. Provided no Person shall be charged to find an Horse, unless he has an Estate of five Hundred Pounds per Annum in Possession, or six thousand Pounds Personal Estate, besides Household Goods; nor to be Contributory to the Horse, who hath not One Hundred Pounds per Annum in Possession, of Lands, Lease or Copyhold, or Twelve Hundred Pounds Personal Estate? nor shall any be charged with a Foot-Soldier under fifty pounds per Annum in Possession, or six hundred pounds Personal Estate (beside Stock on Ground) and after that Rate proportionably; and may Examine any (save the Parties themselves) on Oath, for discovering the Value of their Estates.

4. By the Additional Act (15 Car. 2. cap. 4.) No Person shall be charged to the Foot that hath Two Hundred Pounds per Annum, or Two thousand four hundred Pounds Personal Estate; but the Lieutenant and Deputy, or Three of them, may charge Estates of One Hundred Pounds per Annum to Two Hundred Pounds per Annum; or Personal Estates, from One thousand two hundred Pounds, to Two thousand four hundred Pounds, to Horse or Foot, as they shall see convenient. But,

5. By the former Statute, No Person shall be charged, both to Horse and Foot, in the same County.

6. By the Additional Act, They have likewise Power to require Constables to provide (under Penalty of Forty Shillings for every Omission) so many Foot Arms, with Wages and other incident Charges, within their respective Parishes and Places, as the said Lieutenants and Deputies, or Three of them, shall Assess on Revenues under fifty Pounds per Annum, or personal Estates less than six hundred pounds. And if Persons so Assessed refuse to contribute to a Pound-Rate for finding Foot-Soldiers, according to a List Signed by the respective Lieutenant and Deputies, or Three of them, of Arms, &c. The Constables, by Warrant for that purpose, shall Levy the same so rated by Distress and Sale, rendering the Overplus. And the Tenant is Authorized to deduct from the Landlord. Also the Lieutenant and Deputies, or Three of them, may inflict a Penalty not exceeding Twenty pounds for default on not sending a Horseman, and five pounds for a Foot.

Footman, to be Levied by Distress and Sale, to be applied for supplying the Defects.

It is presumed this Penalty is to be paid into the Hands of the Treasurer; but it's a Defect here, and in other Cases of Fines in these Acts, that the Treasurer is not likewise under a Penalty to supply the Deficiency —

7. The Arms, by Stat. 1 Georgii, are appointed to be for an Horseman, a Broad Sword, a Case of Pistols twelve Inches in the Barrel, a Carbine with Belt and Buckle, Saddle with Buzs and Straps, a Bit-bride with Bit and Cupper.

Holsters and Boots are omitted.

8. For the Foot, a Musket six Foot long in the Barrel; the Bore twelve Bullets to the pound, a Bayonet to fix on the Muzzle thereof, a Cartouch-box, and a Sword.

A Musket of this Length is not to be made use of in modern Exercise; and therefore they generally explain this Clause to include the Length of the Bayonet, when fix'd on the Muzzle. Three Foot eight Inches is the Length of the longest Musket-Barrels now generally used, and is as long as most Men can manage to Exercise; and if they were two Inches shorter, 'twould be long enough for a great many of the Militia. If to these Arms we could procure a Great Horseman's Coat or Cloak for the Horse, and a Coat for the Foot, of such Colour and Make as the Lieutenant and Deputies should appoint, 'twould not only be decent, but useful, and would last many Years.

9. By the Stat. 15 Car. 2. The pay of a Trooper is two shillings and six pence, and of a Foot-Soldier one shilling per Diem, under penalty of paying double if refused, to the Soldier to whom it is denied.

If any so Armed, Ambled or Deserted Horse, Arms, or Furniture, the Lieutenants or Deputies may Impound till Satisfaction; or if any shall not appear and serve, tho' the Fault of the party Interested, they may Indict a penalty on a Foot-man of ten shillings, and on a Horse-man twenty shillings, or five Days Imprisonment; the Fines to be levied by Distress and Sale. Likewise, for Officers not doing their Duty at Musters and Trainings, the Lieutenant or two Deputies may Impound, or indict Mults not exceeding five shillings, or Imprisonment twenty Days, without Bail.

This seems not equal to the Offence in many Cases; for many times an hir'd Soldier has not five Shillings; the only Punishment is to Imprison. There is no Prison appointed, and on the Guard it's not practicable, for these Trainings do not continue so long; and for every little Offence to send a Fellow several Miles to Jail, would be an intollerable Trouble, as well as Charge in Conveyance: Besides, the Deputy-Lieutenants are not obliged to be present at Musters, and consequently there may be no Power to Commit; yet certainly the Matter may often deserve Punishment. Wherefore, if in Default of paying the said Penalty, it were lawful for the Majority of the Commission-Officers present to inflict such Punishment as the nature of the Crime might de-

serve, (Life and Member excepted) it's no doubt but the Person who carries his own Arms would submit to the Mulct. And for others, Corporal Punishment would be more requisite. And the same Method might be taken in case of Desertion; for it's Enacted,

10. That persons Charged shall not be compelled to serve in person, but may find others to be approved of by their Captains, who at next Muster shall give in their Names and Surnames to be Listed, who after such Listing, shall not desert the Service without Leave under the Hand and Seal of the Lieutenant, two Deputies, or his Captain, under pain of twenty pounds, or Three Months Imprisonment to the County Gaol.

In Case of Actual Invasion or Insurrection this seems too dilatory a Punishment; therefore if it were referred to the Judgment of a Court-Martial, it might be more useful: As likewise for Desertion of Sergeants, Corporals and Drummers, which seems to be omitted in these Acts.

11. Where any persons charged to find Horse, Men, or Arms, shall reside in another County, the Lieutenant, or three Deputies, shall send Notice to the Servants or Tenants of such person, who shall send Word to their Master or Landlord, and bring Account of their Answer; and on Neglect or Refusal of their Landlord, shall provide and do as the Landlord ought to do. In Default, the Lieutenant and two Deputies may by Warrant Distrain— And it shall be Lawful for the Tenants to deduct the Charges from their Landlord, unless the Landlord shall make appear before the said Lieutenant or Deputies that the Fault was in the Tenant, and that within two Months after levying such penalties. But Covenants between Landlord and Tenant are not to be avoided by these Acts.

12. Peers are to be Charged only by Commission from his Majesty to twelve Peers, whereof five may Act in all the powers as before, except the Months Tax; but in defaults the Lieutenant and Deputies, or three of them, may levy the Distresses.

13. Every Commission Foot-Officer is exempted from finding to Horse or Foot, for his whole Estate, not exceeding one Horse. No Man shall be compelled, by virtue of these Acts, to march out of the Kingdom.

14. For Securing the Peace of this Kingdom, it is Enacted, That the respective Lieutenants or two Deputies, may, by Warrant, employ whom they think fit, of which any Commission-Officer and the Constable shall be two, to Search and Seize Arms in Custody of those they shall think Dangerous, who shall from time to time give Account thereof to the said Lieutenant, provided such Search be made only between Sun-rising and Setting (Except within Cities and their Suburbs, and Corporations, and within the Bills of Mortality) where it shall be Lawful to Search by Night; and in case of Resistance, to enter by force: And that the Mansion-house of no Peer be searched, unless by immediate Warrant from his Majesty, and that in presence of the Lord Lieutenant, or one Deputy. The Arms to be restored to the Owners. If the

Lieutenant or Deputies shall think fit. All Constables, &c. to be Assistant.

15. No Peers to Act as Lieutenant or Deputies, till they have taken the Oaths before the High-Counsellors, or others appointed by His Majesty to Administer the same. No other person, whether Lieutenant, Deputy, Officer or Soldier, shall Act before he takes the Oaths before the Lieutenant or some Justice.

But Note, That the Oaths appointed by this Act, are now Abrogated; and the Oaths appointed by the Stat. 1. Georgii, are the Oaths now to be taken, viz. the Oaths of Allegiance, Supremacy, and Abjuration, which also extends to Warrant-Officers and Soldiers. The Sacrament also must be received, and certify'd, as in other Cases, by Commission-Officers.

16. At every Muster and Training, every Musketeer must bring, at the charge of the person sending him, half a pound of powder, and half a pound of Bullet; and every Horse-man a quarter of a pound of powder, and a quarter of a pound of Bullet, on pain of five shillings for every Offence. It's Enacted, That once a Year every Soldier shall pay to his Muster-master, who shall be an Inhabitant of the respective County, a Sum not exceeding twelve pence for a Horse-man, and six pence for a Foot-man, as the Lieutenants and Deputies, or three of them, under Hand and Seal, shall direct.

This Article is often misapply'd, and the Pay turned into an Annual Salary, and raised on the Country, without Mustering. Hereupon the Muster-master frequently makes a Return to the Lord-Lieutenant (*Omnia bene*) tho' he has neither viewed Men, Horse, or Arms; and by this means, the End of the Militia is entirely defeated, and nothing in readiness on Occasion. It is likewise an Unwarrantable Practice for Muster-masters to break Arms that are defective, there be other Methods required, and Penalties imposed by these Laws. 'Tis the Lieutenants and Deputies are the Judges whether they are defective or no, and they are to lay a Fine, as before, on Defaulters; but the Arms are the Owner's Property, and are no more to be broken, than the Horses are to be kill'd.

17. It's Enacted, That General Musters shall be but once a Year, and Training of Single Companies but four times, General Musters four Days, and Single Companies two Days at a time.

In this Article seems to be the greatest Error, not so much in the Law, as the Execution; for without Training and Exercising, it's impossible ever to make the Militia useful. A General Muster once a Year may perhaps be sufficient; but then it should not be excused from being once, and All the Officers obliged to be present; and that single Troops and Companies be not excused from those four Times appointed, or what is equivalent, eight Days in a Year, and the respective Officers likewise to be present. This might be so ordered, that in every County there might be a certain Number of the Militia (proportionably to the Quota of the County) in some Place or other of that County in actual Discipline. To Instance,

In a certain County, where there are five Regiments of Foot, and five Troops of Horse, which might be so managed, that each Regiment might Roll round, and do their respective twelve Days Duty, as in the following Scheme —

A Scheme for the Distribution of Musters and Exercise. Particularly apply'd to a County where the present Establishment consists of Five Regiments of Foot making in all 4000, and Five Troops of Horse making 300 Men; and on a Supposition they were reduced to an equal Number of Men in each Company, which, by the Acts now in Force, the Lieutenants and their Deputies have Power to do. I will begin the Year, for Instance the 25th of March.

March 25, 26, 27, 28, A General Muster of all the Horse at the City of A. And then one single Troop might continue in Exercise for 8 Days longer, viz. 4 Days single, and 4 Days more at the General Muster of the Foot Regiment of the respective Division, (viz.)

29, 30, 31. and April 1. Training of the Troop within the Division of A.

April - 2, 3, 4, 5. A General Muster of the Red Regiment, and farther, Training of the Troop of A. and then for 8 Days following, (viz.)

April 6 to 13 inclusive. A Training of the Youngest Company of the said Red Regiment.

14, 15, 16, 17, 18, 19, 20, 21. A Training of the 4th or next Youngest, and so in Order to the Eldest, till all this Regiment had perform'd their Eight Days Exercise: Which supposing it to consist of 8 Companies, would include the 8th of June; when another Regiment (suppose the Yellow) might succeed in like-manner within their proper Division, (viz.)

June 9, 10, 11, 12. A Training of the Troop of Horse B.

13, 14, 15, 16. A farther Training of the said Troop, and a General Muster of the Yellow Regiment of Foot.

17 to 24 inclusive. A particular Training of the Youngest Company of the said Yellow, and so successively, till they likewise had perform'd their 8 Days Exercise, and so of all the rest.

In which Distribution some odd Days would be gain'd in the whole Year, which might be divided by Lot, or any other Method as should be thought most convenient.

And because after this Manner some would have the Winter, other the Summer Service, it might be so ordered, that the Regiment which drew out first one Year, might draw out second or last the next.

After

An ESSAY for Regulating the Militia.

9

After this Method in the County I but now instanced, where the Regiments one with another make 600 Men, there would be in constant Exercise a Party of about 100 Men, and so in proportion in any other County according to the Quota of the said County, and with no greater Burthen to the County than the Laws at present direct; viz. Four Days in general, and Eight Days in particular Trainings.

But for the due Management of this Affair, 'twould be necessary to give Commission to some Experienc'd Officer, in nature of an Adjutant-General, in every County. There are many of the late Half-pay Officers would be glad of the Employ, and able to undertake it; and need have no greater Allowance than 4 or 5 Shillings a Day, which might be either paid as the Muster-Master is now paid, or out of the Trophy-Money, which I can prove is sufficient in every County.

This Officer must take care of the Equal Distribution as well of the General Musters, as of particular Trainings: And being thus in constant Pay, may be also obliged to constant Attendance on that respective Regiment, Troop or Company which is in Discipline, and may view the Arms, &c. and do the other Duties of the Muster-Master.

18. For providing Ammunition and other Necessaries, as Drums, Colours, Trumpets, Banners, &c. the Justices and Deputies, or three or more of them, have power once a Year to levy the fourth part of Seventy thousand pounds per Mensur, by like Ways and Means prescribed in a Stat. 12. Car. 2. for raising Seventy thousand pounds for the farther Supply of His Majesty.

Which refers to another Act of the same Year, and that Act refers to an Ordinance of the Lords and Commons, dated the 8th of June 1660, Intituled, *An Ordinance of the Lords and Commons, for an Assessment of Seventy thousand Pounds a Month for three Months, for the Supply of the present Occasion of the King's Majesty.*

Which Ordinance being never Printed in the Statute-Books, and difficult to be had, gives Occasion to great Errors and some Oppression in levying this Money, few having the Benefit of Appeal, as it has of late been manag'd, it having been left to the Discretion of the Constable who easeth or grieveth at pleasure. Wherefore 'twere Expedient that the aforesaid Ordinance were reprinted, or that the Method for raising it were prescribed according to the Statutes for the Land-Tax: For 'tis too well known, that in many Counties, though this Money hath been annually Collected, yet neither Trophies nor Ammunition have been duly provided. For some Remedy in this Case, the Statute 1 Georgii provides,

19. That the Treasurers shall account for the Monies already received before the 1st of February next, before the Justices at their respective Quarter Sessions: And for Monies hereafter to be received within twelve Months after the Receipt, and shall pay the Balance found due by the said Justices within one Month ensuing, to the Treasurers, &c. for the Time being, on Falsitude of Treble the Sum so Unpaid

Unpaid or Unaccounted for, one Soldier to the use of the County for such Necessaries, the other to any Person that shall Inform or Sue for it.

These Treasurers and Clerks are to be Appointed by the respective Lieutenants, and to be Satisfied for their pains, out of the said Trophy-Money, and were to give their Accounts on Oath every Six Months to the Lieutenant and Deputies, or Three of them; which was to be certified to the Lords of the Council, and Duplicates to the next Quarter-Sessions. But this seems to be now altered by the aforementioned Clause of George II.

21. Lieutenants and their Deputies, or Three of them, may dispose likewise of so much of this Assessment as they think convenient to the Inferior Officers.

Under which Head the Adjutant's Pay before-mention'd might be included, as well as the Sergeants, Corporals, Trumpeters and Drummers. Good Staff Officers are very needful, but very much deficient in the Militia. They are generally of the meaner Sort, and meanly provided with Cloaths and Furniture. Wherefore if their Pay were ascertain'd when on Duty, and they had likewise an Allowance out of this Money once in Two or Three Years for a Coat of 40 Shillings price, with an Hat and Sword, would be an Encouragement to engage them to the Service, and the Charge no greater than that Money will be sufficient to support. For a Computation whereof, I will instance in the County aforesaid, where the Annual Proportion of the Week's Assessments is

To an Adjutant-General for the whole County, for the whole Year; or which will amount to the same,	76	00	00
an Adjutant to each respective Regiment, for his respective Service, at 4 s. per Diem,	246	00	00
For Sixteen Sergeants and Sixteen Drummers to each Regiment, at 2 s. 6 d. per Diem each; the whole Five Regiments,	30	00	00
To Ten Trumpeters, at 5 s. per Diem each,	4	00	00
To Five Quarter-masters of Foot, 4 s. per Diem each, for Four Days Service each, at General Musters, for at private Trainings the respective Lieutenants may do that Office,	15	00	00
To Five Quarter-masters of Horse, each Twelve Days Service, at 5 s. per Diem,	365	00	00

Sum of the certain Annual Charge 655 15 00
 The Remainder is 327 17 08

Which, at Two Years end, will amount to 655 15 00
 Out

An ESSAY for Regulating the Militia.

II

Out of which, for Cloathing for the said Sergeants, }
 Drummers, Trumpeters, at 2*l.* each, ——— } 340 00 00
 There will remain in Stock, at Two Years end, ——— 315 15 00

A Sum sufficient to pay Treasurers, Clerks, &c. for their Pains; and also a sufficient Bank for Drums, Colours, Trumpets, Halberts, &c. which need not be provided above once in Twelve or Fifteen Years.

22. For carrying of Powder and Ammunition; The Lieutenant and Deputies, or Chief Officer on the Place, may, in case of Invasion or Insurrection, charge Carts, Waggon, Horses, &c. allowing Six pence per Mile (outward only) to every such Carriage with five Horses or Six Oxen, and so in proportion; and for every single Horse One Penny per Mile on the March of every Troop or Company: And on such Invasion or Insurrection, the Chief Officer present may inflict five shillings Mult, or Twenty Days Imprisonment, on every Soldier not doing his Duty. ———

Now whereas, by Stat. 13 and 14 Car. 2. 'twas Enacted, "That on an Invasion or Insurrection, all Persons Charg'd to Horse or Foot, should provide their Men, &c. with One Month's Pay only, as by the Direction of the Lieutenant, or by his Direction from Three Deputies, should be appointed. For Repayment whereof, Provision should be made out of the Treasury; till Repayment whereof, no Person should be farther Charg'd. Nevertheless, by Stat. 1 Georgii, it's Enacted,

23. That if it be signified by His Majesty to the respective Lieutenants, That it is necessary to draw out the Militia; The Lieutenants or Deputies, or Two of them, may draw them out, and cause a Month's Pay to be provided: Or may draw out and march any part of the Militia of any County, City, &c. And the Pay and Expence advanced by the Persons Chargeable for such part of the Militia so employed, shall be Repaid within Six months, by such Persons Chargeable to such part of the Militia so employed by an Assessment according to an equal Pound-Rate, to be Assessed throughout the whole County, City, &c. to which they belong, to be laid on such Persons and in such Proportions as they are Chargeable to the Militia, according to such Directions as shall be given from time to time by the respective Lieutenants, their Deputies, or Two of them, who are Impowered to Levy the same under the like Penalties and Forfeitures, and by the like Ways and Means, as the Commissioners of the Land-Tax are Impowered to Levy that Tax. But this Power of Levying part of the Militia, is to continue only for five Years, and from thence to the end of next Session of Parliament.

24. All other Forfeitures are to be Levy'd by Warrant of the Lieutenant and Deputies, or Three or more of them, by Distress; and for want of Distress, by Imprisonment till Satisfaction. ———

12 **AN ESSAY for Regulating the Militia.**

25. Corporations that have usually been Mustered within their own Bounds, shall not be compell'd to appear elsewhere. Militia of the Tower, Hamlets, Isle of Wight, Purbeck, are to be Mustered on their own ACTS.

F I N I S

